Ogg v. Lansing, 35 Ia. 495; *Murtaugh v. St. Louis*, 44 Mo. 479. The distinction between governmental and ministerial duties is well brought out in *Judd v. Hartford*, 72 Conn. 350, opinion by Baldwin, J.

PATENTS—INFRINGEMENT—CHINNOCK V. PATERSON, P. & S. TEB. CO., 112 Fed. 531 (N. Y.).—This bill charged the defendant with infringement of letters patent of the United States. The defendant demurred upon the ground that the alleged invention was not patentable, was without novelty and disclosed no invention. Demurrer sustained. *Held*, the question of patentabilty here should be determined upon proofs.

A patent carries with it a presumption of novelty, and in this case the trained experts of the patent office had decided that what was done by the patentee arose to the dignity of an invention. The question whether or not a given improvement involves invention is one upon which judicial minds divide in very simple cases. *Beer v. Walbridge*, 100 Fed. 465.

PROPERTY RIGHTS—CONFISCATION—PERSONAL INJURIES—BALTIMORE AND OHIO S. W. RY. CO. V. READ, 62 N. E. 488 (Ind.).—A statute of Indiana provides "that no corporation shall plead or prove statutes of State wherein injury occurred," relieving such corporation from liability for negligence of servant to servant, as a defense to an action brought in Indiana. *Held*, that such statute is unconstitutional.

The decision is based upon the ground that it is an unconstitutional infringement of property rights for a legislature to bar a defense valid where injury occurred. Authorities are united that such a defense is a "vested right." *Cooley on Torts*, 552; *Bill of Rights*, Section 21; *Pritchard v. Norton*, 106 U. S. 124. However it is not quite clear how such a right can properly be called a "property" right, unless perhaps inferentially. See also *6 Am. & Eng. Encycl.*, 947. In its application the decision is a just one.

RIPARIAN RIGHTS—DIVERSION OF WATERS UNDER EMINENT DOMAIN—INJURY TO RIPARIAN OWNERS IN ANOTHER STATE—INJUNCTION—PINE ET AL. V. MAYOR, ETC., OF CITY OF NEW YORK, 112 Fed. 98.—The sources of a non-navigable interstate stream are in New York. The State, by the exercise of eminent domain, authorized the City of New York, for municipal purposes, to divert waters of such stream to the injury of riparian owners in Connecticut. *Held*, this amounted to taking property outside of New York jurisdiction, since the riparian right is not an easement but an inseparable incident, and that the remedy for such injury may be injunction. Wheeler, Dist. J., dissenting.

This case is novel and is decided according to the common law prevailing in the States concerned. A distinction is here taken between an easement which is an artificial creation and a right by nature. *3 Kent Comm.*, pp. 439, 442; *2 Wash. R. P.*, pp. 315, 366. The latter exists *ex jure naturae, Dickinson v. Grand Junct. Canal Co.*, 7 Ex. 282; and belongs to the riparian owner as a "natural incident to the right to the soil itself." *Chasemore v. Richards*, 7 H. L. 347; nor is the flaw subject to diminution or alteration. *Embry v. Owen*, 6 Ex. 353. The rule adopted follows the English cases and rejects the rule adopted in *Bricket v. Aqueduct Co.*, 142 Mass. 394, that the right is an easement and the remedy compensation.